

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

February 17, 2021

Chief Judge Diane S. Sykes

No. 07-21-90006

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against a circuit judge who ruled on a prior judicial misconduct complaint. He alleges that the judge condoned a district judge's conspiratorial delay in ruling on his motion to dismiss his civil-rights complaint. He also alludes to a conspiracy to delay the docketing of his prior misconduct complaint.

The district court's docket refutes complainant's allegation of delay. His motion was filed and entered on the docket on July 9, 2019, and the judge granted it on July 15, 2019. Similarly, complainant's misconduct complaint against the district judge was received and timely docketed by this court just one week after it was signed. Accordingly, the complaint must be dismissed because it "lack[s] any factual foundation [and is] conclusively refuted by objective evidence." 28 U.S.C. § 352(b)(1)(B).

Even if the allegations were not conclusively refuted by the record, they nonetheless relate to "the merits of a decision or procedural ruling" and therefore are subject to dismissal. *See id.* § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A report to the Chief Justice* 145 (2006).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (b)(1)(B).